

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

NO. 02-3555

JACOB BARAK,
Appellant

v.

MACK OBIOHA; HANES MORGAN & CO.;
DONALDSON, LUFKIN & JENRETTE SECURITIES CORPORATION,
f/k/a CREDIT SUISSE FIRST BOSTON
HUDSON PROPERTIES, INC.;
INTEGRITY LIFE INSURANCE COMPANY;
HUDSON PROPERTIES, INC.

On Appeal from the United States District Court
for the District of New Jersey
(D.C. Civil No. 01-cv-03071)
District Judge: Honorable William G. Bassler

Argued July 28, 2003

Before: SCIRICA, Chief Judge, RENDELL, and AMBRO, Circuit Judges.

JUDGMENT

This cause came on to be heard on the record from the United States District Court
for the District of New Jersey and was argued on July 28, 2003. On consideration
whereof, it is now here

FILED
SEP 8 2003
AT 8:30
WILLIAM T. WALSH
CLERK

ORDERED and ADJUDGED by this Court that the order of the District Court entered on September 4, 2002, be and the same is hereby REVERSED as to the dismissal of Barak's negligence and breach of contract claims, but AFFIRMED as to the dismissal of his UCC and breach of fiduciary duty claims, and REMANDED to the District Court for further findings consistent with the opinion of this Court.

ATTEST:

Marcio M. Waldron

Clerk

Dated: August 13, 2003

Certified as a true copy and issued in lieu
of a formal mandate on SEP - 4 2003

Marcio M. Waldron
Teste:
Clerk, U.S. Court of Appeals for the Third Circuit